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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/889,639

12/04/2001

Brian Foulger

41577/261336

7129

23370

7590

01/29/2003

JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
SUITE 2800
ATLANTA, GA 30309

EXAMINER

GURZO, PAUL M

ART UNIT

PAPER NUMBER

2881

DATE MAILED: 01/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/889,639

Applicant(s)

FOULGER ET AL.

Examiner

Paul Gurzo

Art Unit

2881

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, and 11-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Davies et al. (5,405,781).

Davies et al. teach the use of an ion mobility spectrometer to detect gases or vapors emitted from materials under conditions at which there is a risk of the onset of fire and detecting the ion peak of the volatilized material (col. 1, lines 8-14 and col. 9, lines 29-43). They teach using this method for industrial operation (col. 2, lines 20-25) as well as continuous sampling (col. 2, lines 46-48) and the use of an alarm system triggered when the peak reaches a predetermined intensity level or increases over time (col. 9, lines 29-43). They also teach the use of time intervals for sampling the ion peak (col. 3, lines 37-42).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Application/Control Number: 09/889,639


Page 5

Art Unit: 2881

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

PMG

January 13, 2003



JOHN R. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800



A DOCPHOENIX

APPL PARTS

IMIS	_____
Internal Misc. Paper	_____
LET.	_____
Misc. Incoming Letter	_____

371P	_____
PCT Papers in a 371 Application	_____
A...	_____
Amendment Including Elections	_____
ABST	_____
Abstract	_____
ADS	_____
Application Data Sheet	_____
AF/D	_____
Affidavit or Exhibit Received	_____
APPENDIX	_____
Appendix	_____
ARTIFACT	_____
Artifact	_____
BIB	_____
Bib Data Sheet	_____
CLM	_____
Claim	_____
COMPUTER	_____
Computer Program Listing	_____
CRFL	_____
All CRF Papers for Backfile	_____
DIST	_____
Terminal Disclaimer Filed	_____
DRW	_____
Drawings	_____
FOR	_____
Foreign Reference	_____
FRPR	_____
Foreign Priority Papers	_____
IDS	_____
IDS Including 1449	_____

NPL	_____
Non-Patent Literature	_____
OATH	_____
Oath or Declaration	_____
PET.	_____
Petition	_____
RETMAIL	_____
Mail Returned by USPS	_____
SEQLIST	_____
Sequence Listing	_____
SPEC	_____
Specification	_____
SPEC NO	_____
Specification Not in English	_____
TRNA	_____
Transmittal New Application	_____

CTNF	_____
Count Non-Final	_____
CTRS	_____
Count Restriction	_____
EXIN	_____
Examiner Interview	_____
M903	_____
DO/EO Acceptance	_____
M905	_____
DO/EO Missing Requirement	_____
NFDR	_____
Formal Drawing Required	_____
NOA	_____
Notice of Allowance	_____
PETDEC	_____
Petition Decision	_____

OUTGOING

CTMS	_____
Misc. Office Action	_____
1449	_____
Signed 1449	_____
892	_____
ABN	_____
Abandonment	_____
APDEC	_____
Board of Appeals Decision	_____
APEA	_____
Examiner Answer	_____
CTAV	_____
Count Advisory Action	_____
CTEQ	_____
Count Ex parte Quayle	_____
CTFR	_____
Count Final Rejection	_____

INCOMING

AP.B	_____
Appeal Brief	_____
C.A.D	_____
Change of Address	_____
N/AP	_____
Notice of Appeal	_____
PA..	_____
Change in Power of Attorney	_____
REM	_____
Applicant Remarks in Amendment	_____
XT/	_____
Extension of Time filed separate	_____

Internal

SRNT	_____
Examiner Search Notes	_____
CLMPTO	_____
PTO Prepared Complete Claim Set	_____

ECBOX	_____
Evidence Copy Box Identification	_____
WCLM	_____
Claim Worksheet	_____
WFEE	_____
Fee Worksheet	_____

File Wrapper

FWCLM	_____
File Wrapper Claim	_____
IIFW	_____
File Wrapper Issue Information	_____
SRFW	_____
File Wrapper Search Info	_____

Form PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY DOCKET NO. 41577/261336 SERIAL NO. 09/889,639

APPLICANT: B. Foulger, et al.

FILING DATE: July 19, 2001 GROUP: Unknown

MATERIAL INFORMATION STATEMENT
(Use several sheets if necessary)

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
Pb	4,053,776	10/11/77	Hertzberg, et al.			
Pb	4,633,082	12/30/86	Sauers			
Pb	4,691,783	09/08/87	Stern, et al.			
Pb	5,065,140	11/12/91	Neuberger			
Pb	5,162,652	11/10/92	Cohen, et al.			
Pb	5,294,794	03/15/94	Davies			
Pb	5,405,781	04/11/95	Davies, et al.			

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
Pb	0401861	12/12/90	Europe (EPO)			
Pb	0795749	09/17/97	Europe (EPO)			
Pb	926605	05/22/63	United Kingdom			
Pb	1571963	07/23/80	United Kingdom			
Pb	WO 97/05635	02/13/97	WIPO/PCT			

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER: Paul Sengo DATE CONSIDERED: 1/13/03

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

RECEIVED
JAN - 9 2002
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